

Representative A. Cory Maloy proposes the following substitute bill:

DIVISION OF CONSUMER PROTECTION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill enacts and repeals provisions related to consumer complaints to the Division of Consumer Protection (division).

Highlighted Provisions:

This bill:

- ▶ provides that consumer complaints are protected records under the Government Records Access and Management Act (GRAMA);
- ▶ requires the division to reclassify consumer complaints as public under GRAMA under certain circumstances;
- ▶ grants the division rulemaking authority;
- ▶ repeals provisions related to consumer complaints;
- ▶ defines terms; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:



26 AMENDS:

27 **13-2-1 (Superseded 05/02/24)**, as last amended by Laws of Utah 2023, Chapters 31,
28 36, 377, 458, 477, 498, and 509

29 **13-2-1 (Effective 05/02/24)**, as last amended by Laws of Utah 2023, Chapters 31, 36,
30 377, 458, 477, 498, 509, and 536

31 **13-11-7**, as last amended by Laws of Utah 1987, Chapter 92

32 **63G-2-305**, as last amended by Laws of Utah 2023, Chapters 1, 16, 205, and 329

33 ENACTS:

34 **13-2-11**, Utah Code Annotated 1953

35 REPEALS:

36 **13-15-401**, as enacted by Laws of Utah 2022, Chapter 243

37 **13-26-12**, as last amended by Laws of Utah 2022, Chapter 324



39 *Be it enacted by the Legislature of the state of Utah:*

40 Section 1. Section **13-2-1 (Superseded 05/02/24)** is amended to read:

41 **13-2-1 (Superseded 05/02/24). Consumer protection division established --**

42 **Functions.**

43 (1) There is established within the Department of Commerce the Division of Consumer
44 Protection.

45 (2) The division shall administer and enforce the following:

- 46 (a) Chapter 10a, Music Licensing Practices Act;
- 47 (b) Chapter 11, Utah Consumer Sales Practices Act;
- 48 (c) Chapter 15, Business Opportunity Disclosure Act;
- 49 (d) Chapter 20, New Motor Vehicle Warranties Act;
- 50 (e) Chapter 21, Credit Services Organizations Act;
- 51 (f) Chapter 22, Charitable Solicitations Act;
- 52 (g) Chapter 23, Health Spa Services Protection Act;
- 53 (h) Chapter 25a, Telephone and Facsimile Solicitation Act;
- 54 (i) Chapter 26, Telephone Fraud Prevention Act;
- 55 (j) Chapter 28, Prize Notices Regulation Act;
- 56 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter

57 Transaction Information Act;

58 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;

59 (m) Chapter 41, Price Controls During Emergencies Act;

60 (n) Chapter 42, Uniform Debt-Management Services Act;

61 (o) Chapter 49, Immigration Consultants Registration Act;

62 (p) Chapter 51, Transportation Network Company Registration Act;

63 (q) Chapter 52, Residential Solar Energy Disclosure Act;

64 (r) Chapter 53, Residential, Vocational and Life Skills Program Act;

65 (s) Chapter 54, Ticket Website Sales Act;

66 (t) Chapter 56, Ticket Transferability Act;

67 (u) Chapter 57, Maintenance Funding Practices Act;

68 (v) Chapter 61, Utah Consumer Privacy Act;

69 (w) Chapter 63, Utah Social Media Regulation Act;

70 (x) Chapter 64, Vehicle Value Protection Agreement Act;

71 (y) Chapter 65, Utah Commercial Email Act; and

72 (z) Chapter 67, Online Dating Safety Act.

73 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
74 division may make rules to establish:

75 (a) a public list that identifies a person who:

76 (i) violates a chapter described in Subsection (2);

77 (ii) without proper legal justification, fails to comply with an order, subpoena,
78 judgment, or other legal process issued by:

79 (A) the division; or

80 (B) a court of competent jurisdiction; or

81 (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance,
82 or similar instrument signed by the person and the division; and

83 (b) a process by which a person may be removed from the list the division establishes
84 as described in Subsection (3)(a).

85 Section 2. Section 13-2-1 (Effective 05/02/24) is amended to read:

86 **13-2-1 (Effective 05/02/24). Consumer protection division established --**

87 **Functions.**

- 88 (1) There is established within the Department of Commerce the Division of Consumer
89 Protection.
- 90 (2) The division shall administer and enforce the following:
- 91 (a) Chapter 10a, Music Licensing Practices Act;
- 92 (b) Chapter 11, Utah Consumer Sales Practices Act;
- 93 (c) Chapter 15, Business Opportunity Disclosure Act;
- 94 (d) Chapter 20, New Motor Vehicle Warranties Act;
- 95 (e) Chapter 21, Credit Services Organizations Act;
- 96 (f) Chapter 22, Charitable Solicitations Act;
- 97 (g) Chapter 23, Health Spa Services Protection Act;
- 98 (h) Chapter 25a, Telephone and Facsimile Solicitation Act;
- 99 (i) Chapter 26, Telephone Fraud Prevention Act;
- 100 (j) Chapter 28, Prize Notices Regulation Act;
- 101 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter
102 Transaction Information Act;
- 103 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;
- 104 (m) Chapter 41, Price Controls During Emergencies Act;
- 105 (n) Chapter 42, Uniform Debt-Management Services Act;
- 106 (o) Chapter 49, Immigration Consultants Registration Act;
- 107 (p) Chapter 51, Transportation Network Company Registration Act;
- 108 (q) Chapter 52, Residential Solar Energy Disclosure Act;
- 109 (r) Chapter 53, Residential, Vocational and Life Skills Program Act;
- 110 (s) Chapter 54, Ticket Website Sales Act;
- 111 (t) Chapter 56, Ticket Transferability Act;
- 112 (u) Chapter 57, Maintenance Funding Practices Act;
- 113 (v) Chapter 61, Utah Consumer Privacy Act;
- 114 (w) Chapter 63, Utah Social Media Regulation Act;
- 115 (x) Chapter 64, Vehicle Value Protection Agreement Act;
- 116 (y) Chapter 65, Utah Commercial Email Act;
- 117 (z) Chapter 67, Online Dating Safety Act; and
- 118 (aa) Chapter 68, Lawyer Referral Consultants Registration Act.

119 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
120 division may make rules to establish:

121 (a) a public list that identifies a person who:

122 (i) violates a chapter described in Subsection (2);

123 (ii) without proper legal justification, fails to comply with an order, subpoena,
124 judgment, or other legal process issued by:

125 (A) the division; or

126 (B) a court of competent jurisdiction; or

127 (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance,
128 or similar instrument signed by the person and the division; and

129 (b) a process by which a person may be removed from the list the division establishes
130 as described in Subsection (3)(a).

131 Section 3. Section **13-2-11** is enacted to read:

132 **13-2-11. Publication of consumer complaints.**

133 (1) As used in this section:

134 (a) "Consumer complaint" means a complaint that:

135 (i) is provided to the division;

136 (ii) alleges facts relating to conduct that the division regulates under Section [13-2-1](#);

137 and

138 (iii) may contain:

139 (A) information that identifies a respondent; and

140 (B) a narrative description of and information relevant to the conduct described in
141 Subsection (1)(a)(ii).

142 (b) "Consumer narrative" means the narrative description contained in a consumer
143 complaint as described in Subsection (1)(a)(iii)(B).

144 (c) "Filer" means a person who files a consumer complaint.

145 (d) "Respondent" means a person against whom a filer files a consumer complaint.

146 (2) (a) A consumer complaint is a protected record as provided in Subsection
147 [63G-2-305\(88\)](#).

148 (b) In carrying out the division's duties, the division may not publicly disclose the
149 identity of a person the division investigates unless:

150 (i) the person's identity becomes a matter of public record in an enforcement
151 proceeding; or
152 (ii) the person consents to public disclosure.
153 (3) Notwithstanding Subsection (2):
154 (a) the division may reclassify a consumer complaint as public if:
155 (i) (A) the consumer complaint is one of at least 10 consumer complaints filed with the
156 division against the same person, alleging the same or similar conduct, and during the
157 12-month period immediately preceding the day on which the filer files the consumer
158 complaint;
159 (B) the consumer complaint does not contain information that an agreement with
160 another state or federal agency or a condition of participation in an investigation or litigation
161 requires the division keep confidential;
162 (C) the consumer complaint is not classified as controlled, private, or protected as
163 described in Sections [63G-2-302](#) through [63G-2-305](#), for a reason other than that identified by
164 Subsection [63G-2-305\(88\)](#); and
165 (D) access to the record is not restricted as described by Subsection [63G-2-201\(3\)\(b\)](#);
166 or
167 (ii) the division takes public enforcement action against a respondent as a result of the
168 consumer complaint; and
169 (b) the division may disclose a consumer complaint to the respondent.
170 (4) In determining the number of complaints against the same person in accordance
171 with Subsection (3)(a)(i)(A), the division may consider consumer complaints that are filed
172 against multiple entities under common ownership as consumer complaints against the same
173 person.
174 (5) A respondent's initial, written response to a consumer complaint that is public
175 under Subsection (3) is a public record.
176 (6) Before making a consumer complaint that is reclassified as public under Subsection
177 (3), or a response described in Subsection (5), available to the public, the division:
178 (a) shall redact from the consumer complaint or the response any information that
179 would disclose:
180 (i) the filer's:

- 181 (A) address;
- 182 (B) social security number;
- 183 (C) bank account information;
- 184 (D) email address; or
- 185 (E) telephone number; or
- 186 (ii) information similar in nature to the information described in Subsection (6)(a)(i);

187 and

188 (b) may redact the filer's name and any other information that could, in the division's
189 judgment, disclose the filer's identity.

190 (7) If the division discloses the consumer complaint to the respondent as described in
191 Subsection (3)(b), the division may redact the filer's:

- 192 (a) bank account information;
- 193 (b) social security number;
- 194 (c) name and any other information that could, in the division's judgment, disclose the
195 filer's identity, if the filer requests anonymity; and
- 196 (d) other information the disclosure of which constitutes a clearly unwarranted
197 invasion of personal privacy.

198 Section 4. Section 13-11-7 is amended to read:

199 **13-11-7. Duties of enforcing authority -- Confidentiality of identity of persons**
200 **investigated -- Civil penalty for violation of restraining or injunctive orders.**

- 201 (1) The enforcing authority shall:
 - 202 (a) enforce this chapter throughout the state;
 - 203 (b) cooperate with state and local officials, officials of other states, and officials of the
204 federal government in the administration of comparable statutes;
 - 205 (c) inform consumers and suppliers on a continuing basis of the provisions of this
206 chapter and of acts or practices that violate this chapter [~~including mailing information~~
207 ~~concerning final judgments to persons who request it, for which he may charge a reasonable fee~~
208 ~~to cover the expense];~~
 - 209 (d) receive and act on complaints; and
 - 210 (e) maintain a public file of final judgments rendered under this chapter that have been
211 either reported officially or made available for public dissemination under Subsection (1)(c),

212 final consent judgments, and to the extent the enforcing authority considers appropriate,
213 assurances of voluntary compliance.

214 ~~[(2) In carrying out his duties, the enforcing authority may not publicly disclose the~~
215 ~~identity of a person investigated unless his identity has become a matter of public record in an~~
216 ~~enforcement proceeding or he has consented to public disclosure.]~~

217 [(3)] (2) On motion of the enforcing authority, or on its own motion, the court may
218 impose a civil penalty of not more than \$5,000 for each day a temporary restraining order,
219 preliminary injunction, or permanent injunction issued under this chapter is violated, if the
220 supplier received notice of the restraining or injunctive order. Civil penalties imposed under
221 this section shall be paid to the General Fund.

222 Section 5. Section **63G-2-305** is amended to read:

223 **63G-2-305. Protected records.**

224 The following records are protected if properly classified by a governmental entity:

225 (1) trade secrets as defined in Section [13-24-2](#) if the person submitting the trade secret
226 has provided the governmental entity with the information specified in Section [63G-2-309](#);

227 (2) commercial information or nonindividual financial information obtained from a
228 person if:

229 (a) disclosure of the information could reasonably be expected to result in unfair
230 competitive injury to the person submitting the information or would impair the ability of the
231 governmental entity to obtain necessary information in the future;

232 (b) the person submitting the information has a greater interest in prohibiting access
233 than the public in obtaining access; and

234 (c) the person submitting the information has provided the governmental entity with
235 the information specified in Section [63G-2-309](#);

236 (3) commercial or financial information acquired or prepared by a governmental entity
237 to the extent that disclosure would lead to financial speculations in currencies, securities, or
238 commodities that will interfere with a planned transaction by the governmental entity or cause
239 substantial financial injury to the governmental entity or state economy;

240 (4) records, the disclosure of which could cause commercial injury to, or confer a
241 competitive advantage upon a potential or actual competitor of, a commercial project entity as
242 defined in Subsection [11-13-103\(4\)](#);

243 (5) test questions and answers to be used in future license, certification, registration,
244 employment, or academic examinations;

245 (6) records, the disclosure of which would impair governmental procurement
246 proceedings or give an unfair advantage to any person proposing to enter into a contract or
247 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this
248 Subsection (6) does not restrict the right of a person to have access to, after the contract or
249 grant has been awarded and signed by all parties:

250 (a) a bid, proposal, application, or other information submitted to or by a governmental
251 entity in response to:

252 (i) an invitation for bids;

253 (ii) a request for proposals;

254 (iii) a request for quotes;

255 (iv) a grant; or

256 (v) other similar document; or

257 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);

258 (7) information submitted to or by a governmental entity in response to a request for
259 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict
260 the right of a person to have access to the information, after:

261 (a) a contract directly relating to the subject of the request for information has been
262 awarded and signed by all parties; or

263 (b) (i) a final determination is made not to enter into a contract that relates to the
264 subject of the request for information; and

265 (ii) at least two years have passed after the day on which the request for information is
266 issued;

267 (8) records that would identify real property or the appraisal or estimated value of real
268 or personal property, including intellectual property, under consideration for public acquisition
269 before any rights to the property are acquired unless:

270 (a) public interest in obtaining access to the information is greater than or equal to the
271 governmental entity's need to acquire the property on the best terms possible;

272 (b) the information has already been disclosed to persons not employed by or under a
273 duty of confidentiality to the entity;

274 (c) in the case of records that would identify property, potential sellers of the described
275 property have already learned of the governmental entity's plans to acquire the property;

276 (d) in the case of records that would identify the appraisal or estimated value of
277 property, the potential sellers have already learned of the governmental entity's estimated value
278 of the property; or

279 (e) the property under consideration for public acquisition is a single family residence
280 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
281 the property as required under Section 78B-6-505;

282 (9) records prepared in contemplation of sale, exchange, lease, rental, or other
283 compensated transaction of real or personal property including intellectual property, which, if
284 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
285 of the subject property, unless:

286 (a) the public interest in access is greater than or equal to the interests in restricting
287 access, including the governmental entity's interest in maximizing the financial benefit of the
288 transaction; or

289 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
290 the value of the subject property have already been disclosed to persons not employed by or
291 under a duty of confidentiality to the entity;

292 (10) records created or maintained for civil, criminal, or administrative enforcement
293 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if
294 release of the records:

295 (a) reasonably could be expected to interfere with investigations undertaken for
296 enforcement, discipline, licensing, certification, or registration purposes;

297 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
298 proceedings;

299 (c) would create a danger of depriving a person of a right to a fair trial or impartial
300 hearing;

301 (d) reasonably could be expected to disclose the identity of a source who is not
302 generally known outside of government and, in the case of a record compiled in the course of
303 an investigation, disclose information furnished by a source not generally known outside of
304 government if disclosure would compromise the source; or

305 (e) reasonably could be expected to disclose investigative or audit techniques,
306 procedures, policies, or orders not generally known outside of government if disclosure would
307 interfere with enforcement or audit efforts;

308 (11) records the disclosure of which would jeopardize the life or safety of an
309 individual;

310 (12) records the disclosure of which would jeopardize the security of governmental
311 property, governmental programs, or governmental recordkeeping systems from damage, theft,
312 or other appropriation or use contrary to law or public policy;

313 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
314 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere
315 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

316 (14) records that, if disclosed, would reveal recommendations made to the Board of
317 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
318 Board of Pardons and Parole, or the Department of Health and Human Services that are based
319 on the employee's or contractor's supervision, diagnosis, or treatment of any person within the
320 board's jurisdiction;

321 (15) records and audit workpapers that identify audit, collection, and operational
322 procedures and methods used by the State Tax Commission, if disclosure would interfere with
323 audits or collections;

324 (16) records of a governmental audit agency relating to an ongoing or planned audit
325 until the final audit is released;

326 (17) records that are subject to the attorney client privilege;

327 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
328 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,
329 quasi-judicial, or administrative proceeding;

330 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
331 from a member of the Legislature; and

332 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
333 legislative action or policy may not be classified as protected under this section; and

334 (b) (i) an internal communication that is part of the deliberative process in connection
335 with the preparation of legislation between:

- 336 (A) members of a legislative body;
- 337 (B) a member of a legislative body and a member of the legislative body's staff; or
- 338 (C) members of a legislative body's staff; and
- 339 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
- 340 legislative action or policy may not be classified as protected under this section;
- 341 (20) (a) records in the custody or control of the Office of Legislative Research and
- 342 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
- 343 legislation or contemplated course of action before the legislator has elected to support the
- 344 legislation or course of action, or made the legislation or course of action public; and
- 345 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
- 346 Office of Legislative Research and General Counsel is a public document unless a legislator
- 347 asks that the records requesting the legislation be maintained as protected records until such
- 348 time as the legislator elects to make the legislation or course of action public;
- 349 (21) research requests from legislators to the Office of Legislative Research and
- 350 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
- 351 in response to these requests;
- 352 (22) drafts, unless otherwise classified as public;
- 353 (23) records concerning a governmental entity's strategy about:
- 354 (a) collective bargaining; or
- 355 (b) imminent or pending litigation;
- 356 (24) records of investigations of loss occurrences and analyses of loss occurrences that
- 357 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
- 358 Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 359 (25) records, other than personnel evaluations, that contain a personal recommendation
- 360 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
- 361 personal privacy, or disclosure is not in the public interest;
- 362 (26) records that reveal the location of historic, prehistoric, paleontological, or
- 363 biological resources that if known would jeopardize the security of those resources or of
- 364 valuable historic, scientific, educational, or cultural information;
- 365 (27) records of independent state agencies if the disclosure of the records would
- 366 conflict with the fiduciary obligations of the agency;

367 (28) records of an institution within the state system of higher education defined in
368 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,
369 retention decisions, and promotions, which could be properly discussed in a meeting closed in
370 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
371 the final decisions about tenure, appointments, retention, promotions, or those students
372 admitted, may not be classified as protected under this section;

373 (29) records of the governor's office, including budget recommendations, legislative
374 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
375 policies or contemplated courses of action before the governor has implemented or rejected
376 those policies or courses of action or made them public;

377 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
378 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
379 recommendations in these areas;

380 (31) records provided by the United States or by a government entity outside the state
381 that are given to the governmental entity with a requirement that they be managed as protected
382 records if the providing entity certifies that the record would not be subject to public disclosure
383 if retained by it;

384 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
385 public body except as provided in Section [52-4-206](#);

386 (33) records that would reveal the contents of settlement negotiations but not including
387 final settlements or empirical data to the extent that they are not otherwise exempt from
388 disclosure;

389 (34) memoranda prepared by staff and used in the decision-making process by an
390 administrative law judge, a member of the Board of Pardons and Parole, or a member of any
391 other body charged by law with performing a quasi-judicial function;

392 (35) records that would reveal negotiations regarding assistance or incentives offered
393 by or requested from a governmental entity for the purpose of encouraging a person to expand
394 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
395 person or place the governmental entity at a competitive disadvantage, but this section may not
396 be used to restrict access to a record evidencing a final contract;

397 (36) materials to which access must be limited for purposes of securing or maintaining

398 the governmental entity's proprietary protection of intellectual property rights including patents,
399 copyrights, and trade secrets;

400 (37) the name of a donor or a prospective donor to a governmental entity, including an
401 institution within the state system of higher education defined in Section 53B-1-102, and other
402 information concerning the donation that could reasonably be expected to reveal the identity of
403 the donor, provided that:

404 (a) the donor requests anonymity in writing;

405 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
406 classified protected by the governmental entity under this Subsection (37); and

407 (c) except for an institution within the state system of higher education defined in
408 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged
409 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
410 over the donor, a member of the donor's immediate family, or any entity owned or controlled
411 by the donor or the donor's immediate family;

412 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
413 73-18-13;

414 (39) a notification of workers' compensation insurance coverage described in Section
415 34A-2-205;

416 (40) (a) the following records of an institution within the state system of higher
417 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
418 or received by or on behalf of faculty, staff, employees, or students of the institution:

419 (i) unpublished lecture notes;

420 (ii) unpublished notes, data, and information:

421 (A) relating to research; and

422 (B) of:

423 (I) the institution within the state system of higher education defined in Section
424 53B-1-102; or

425 (II) a sponsor of sponsored research;

426 (iii) unpublished manuscripts;

427 (iv) creative works in process;

428 (v) scholarly correspondence; and

429 (vi) confidential information contained in research proposals;
430 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
431 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and
432 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
433 (41) (a) records in the custody or control of the Office of the Legislative Auditor
434 General that would reveal the name of a particular legislator who requests a legislative audit
435 prior to the date that audit is completed and made public; and
436 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
437 Office of the Legislative Auditor General is a public document unless the legislator asks that
438 the records in the custody or control of the Office of the Legislative Auditor General that would
439 reveal the name of a particular legislator who requests a legislative audit be maintained as
440 protected records until the audit is completed and made public;
441 (42) records that provide detail as to the location of an explosive, including a map or
442 other document that indicates the location of:
443 (a) a production facility; or
444 (b) a magazine;
445 (43) information contained in the statewide database of the Division of Aging and
446 Adult Services created by Section 26B-6-210;
447 (44) information contained in the Licensing Information System described in Title 80,
448 Chapter 2, Child Welfare Services;
449 (45) information regarding National Guard operations or activities in support of the
450 National Guard's federal mission;
451 (46) records provided by any pawn or secondhand business to a law enforcement
452 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop,
453 Secondhand Merchandise, and Catalytic Converter Transaction Information Act;
454 (47) information regarding food security, risk, and vulnerability assessments performed
455 by the Department of Agriculture and Food;
456 (48) except to the extent that the record is exempt from this chapter pursuant to Section
457 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or
458 prepared or maintained by the Division of Emergency Management, and the disclosure of
459 which would jeopardize:

- 460 (a) the safety of the general public; or
- 461 (b) the security of:
 - 462 (i) governmental property;
 - 463 (ii) governmental programs; or
 - 464 (iii) the property of a private person who provides the Division of Emergency
 - 465 Management information;
- 466 (49) records of the Department of Agriculture and Food that provides for the
- 467 identification, tracing, or control of livestock diseases, including any program established under
- 468 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
- 469 of Animal Disease;
- 470 (50) as provided in Section [26B-2-408](#):
- 471 (a) information or records held by the Department of Health and Human Services
- 472 related to a complaint regarding a child care program or residential child care which the
- 473 department is unable to substantiate; and
- 474 (b) information or records related to a complaint received by the Department of Health
- 475 and Human Services from an anonymous complainant regarding a child care program or
- 476 residential child care;
- 477 (51) unless otherwise classified as public under Section [63G-2-301](#) and except as
- 478 provided under Section [41-1a-116](#), an individual's home address, home telephone number, or
- 479 personal mobile phone number, if:
 - 480 (a) the individual is required to provide the information in order to comply with a law,
 - 481 ordinance, rule, or order of a government entity; and
 - 482 (b) the subject of the record has a reasonable expectation that this information will be
 - 483 kept confidential due to:
 - 484 (i) the nature of the law, ordinance, rule, or order; and
 - 485 (ii) the individual complying with the law, ordinance, rule, or order;
- 486 (52) the portion of the following documents that contains a candidate's residential or
- 487 mailing address, if the candidate provides to the filing officer another address or phone number
- 488 where the candidate may be contacted:
 - 489 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
 - 490 described in Section [20A-9-201](#), [20A-9-202](#), [20A-9-203](#), [20A-9-404](#), [20A-9-405](#), [20A-9-408](#),

491 20A-9-408.5, 20A-9-502, or 20A-9-601;

492 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or

493 (c) a notice of intent to gather signatures for candidacy, described in Section

494 20A-9-408;

495 (53) the name, home address, work addresses, and telephone numbers of an individual
496 that is engaged in, or that provides goods or services for, medical or scientific research that is:

497 (a) conducted within the state system of higher education, as defined in Section

498 53B-1-102; and

499 (b) conducted using animals;

500 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
501 Evaluation Commission concerning an individual commissioner's vote, in relation to whether a
502 judge meets or exceeds minimum performance standards under Subsection 78A-12-203(4), and
503 information disclosed under Subsection 78A-12-203(5)(e);

504 (55) information collected and a report prepared by the Judicial Performance
505 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter
506 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
507 the information or report;

508 (56) records provided or received by the Public Lands Policy Coordinating Office in
509 furtherance of any contract or other agreement made in accordance with Section 63L-11-202;

510 (57) information requested by and provided to the 911 Division under Section

511 63H-7a-302;

512 (58) in accordance with Section 73-10-33:

513 (a) a management plan for a water conveyance facility in the possession of the Division
514 of Water Resources or the Board of Water Resources; or

515 (b) an outline of an emergency response plan in possession of the state or a county or
516 municipality;

517 (59) the following records in the custody or control of the Office of Inspector General
518 of Medicaid Services, created in Section 63A-13-201:

519 (a) records that would disclose information relating to allegations of personal
520 misconduct, gross mismanagement, or illegal activity of a person if the information or
521 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services

522 through other documents or evidence, and the records relating to the allegation are not relied
523 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
524 report or final audit report;

525 (b) records and audit workpapers to the extent they would disclose the identity of a
526 person who, during the course of an investigation or audit, communicated the existence of any
527 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
528 regulation adopted under the laws of this state, a political subdivision of the state, or any
529 recognized entity of the United States, if the information was disclosed on the condition that
530 the identity of the person be protected;

531 (c) before the time that an investigation or audit is completed and the final
532 investigation or final audit report is released, records or drafts circulated to a person who is not
533 an employee or head of a governmental entity for the person's response or information;

534 (d) records that would disclose an outline or part of any investigation, audit survey
535 plan, or audit program; or

536 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
537 investigation or audit;

538 (60) records that reveal methods used by the Office of Inspector General of Medicaid
539 Services, the fraud unit, or the Department of Health and Human Services, to discover
540 Medicaid fraud, waste, or abuse;

541 (61) information provided to the Department of Health and Human Services or the
542 Division of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
543 58-68-304(3) and (4);

544 (62) a record described in Section 63G-12-210;

545 (63) captured plate data that is obtained through an automatic license plate reader
546 system used by a governmental entity as authorized in Section 41-6a-2003;

547 (64) any record in the custody of the Utah Office for Victims of Crime relating to a
548 victim, including:

549 (a) a victim's application or request for benefits;

550 (b) a victim's receipt or denial of benefits; and

551 (c) any administrative notes or records made or created for the purpose of, or used to,
552 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim

553 Reparations Fund;

554 (65) an audio or video recording created by a body-worn camera, as that term is
555 defined in Section 77-7a-103, that records sound or images inside a hospital or health care
556 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
557 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
558 that term is defined in Section 26B-2-101, except for recordings that:

559 (a) depict the commission of an alleged crime;

560 (b) record any encounter between a law enforcement officer and a person that results in
561 death or bodily injury, or includes an instance when an officer fires a weapon;

562 (c) record any encounter that is the subject of a complaint or a legal proceeding against
563 a law enforcement officer or law enforcement agency;

564 (d) contain an officer involved critical incident as defined in Subsection

565 76-2-408(1)(f); or

566 (e) have been requested for reclassification as a public record by a subject or
567 authorized agent of a subject featured in the recording;

568 (66) a record pertaining to the search process for a president of an institution of higher
569 education described in Section 53B-2-102, except for application materials for a publicly
570 announced finalist;

571 (67) an audio recording that is:

572 (a) produced by an audio recording device that is used in conjunction with a device or
573 piece of equipment designed or intended for resuscitating an individual or for treating an
574 individual with a life-threatening condition;

575 (b) produced during an emergency event when an individual employed to provide law
576 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

577 (i) is responding to an individual needing resuscitation or with a life-threatening
578 condition; and

579 (ii) uses a device or piece of equipment designed or intended for resuscitating an
580 individual or for treating an individual with a life-threatening condition; and

581 (c) intended and used for purposes of training emergency responders how to improve
582 their response to an emergency situation;

583 (68) records submitted by or prepared in relation to an applicant seeking a

584 recommendation by the Research and General Counsel Subcommittee, the Budget
585 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an
586 employment position with the Legislature;

587 (69) work papers as defined in Section 31A-2-204;

588 (70) a record made available to Adult Protective Services or a law enforcement agency
589 under Section 61-1-206;

590 (71) a record submitted to the Insurance Department in accordance with Section
591 31A-37-201;

592 (72) a record described in Section 31A-37-503;

593 (73) any record created by the Division of Professional Licensing as a result of
594 Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);

595 (74) a record described in Section 72-16-306 that relates to the reporting of an injury
596 involving an amusement ride;

597 (75) except as provided in Subsection 63G-2-305.5(1), the signature of an individual
598 on a political petition, or on a request to withdraw a signature from a political petition,
599 including a petition or request described in the following titles:

600 (a) Title 10, Utah Municipal Code;

601 (b) Title 17, Counties;

602 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;

603 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and

604 (e) Title 20A, Election Code;

605 (76) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in
606 a voter registration record;

607 (77) except as provided in Subsection 63G-2-305.5(3), any signature, other than a
608 signature described in Subsection (75) or (76), in the custody of the lieutenant governor or a
609 local political subdivision collected or held under, or in relation to, Title 20A, Election Code;

610 (78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part
611 5, Victims Guidelines for Prosecutors Act;

612 (79) a record submitted to the Insurance Department under Section 31A-48-103;

613 (80) personal information, as defined in Section 63G-26-102, to the extent disclosure is
614 prohibited under Section 63G-26-103;

615 (81) an image taken of an individual during the process of booking the individual into
616 jail, unless:

617 (a) the individual is convicted of a criminal offense based upon the conduct for which
618 the individual was incarcerated at the time the image was taken;

619 (b) a law enforcement agency releases or disseminates the image:

620 (i) after determining that the individual is a fugitive or an imminent threat to an
621 individual or to public safety and releasing or disseminating the image will assist in
622 apprehending the individual or reducing or eliminating the threat; or

623 (ii) to a potential witness or other individual with direct knowledge of events relevant
624 to a criminal investigation or criminal proceeding for the purpose of identifying or locating an
625 individual in connection with the criminal investigation or criminal proceeding; or

626 (c) a judge orders the release or dissemination of the image based on a finding that the
627 release or dissemination is in furtherance of a legitimate law enforcement interest;

628 (82) a record:

629 (a) concerning an interstate claim to the use of waters in the Colorado River system;

630 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
631 representative from another state or the federal government as provided in Section
632 [63M-14-205](#); and

633 (c) the disclosure of which would:

634 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
635 Colorado River system;

636 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to
637 negotiate the best terms and conditions regarding the use of water in the Colorado River
638 system; or

639 (iii) give an advantage to another state or to the federal government in negotiations
640 regarding the use of water in the Colorado River system;

641 (83) any part of an application described in Section [63N-16-201](#) that the Governor's
642 Office of Economic Opportunity determines is nonpublic, confidential information that if
643 disclosed would result in actual economic harm to the applicant, but this Subsection (83) may
644 not be used to restrict access to a record evidencing a final contract or approval decision;

645 (84) the following records of a drinking water or wastewater facility:

646 (a) an engineering or architectural drawing of the drinking water or wastewater facility;
647 and

648 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the
649 drinking water or wastewater facility uses to secure, or prohibit access to, the records described
650 in Subsection (84)(a);

651 (85) a statement that an employee of a governmental entity provides to the
652 governmental entity as part of the governmental entity's personnel or administrative
653 investigation into potential misconduct involving the employee if the governmental entity:

654 (a) requires the statement under threat of employment disciplinary action, including
655 possible termination of employment, for the employee's refusal to provide the statement; and

656 (b) provides the employee assurance that the statement cannot be used against the
657 employee in any criminal proceeding;

658 (86) any part of an application for a Utah Fits All Scholarship account described in
659 Section 53F-6-402 or other information identifying a scholarship student as defined in Section
660 53F-6-401; [~~and~~]

661 (87) a record:

662 (a) concerning a claim to the use of waters in the Great Salt Lake;

663 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
664 person concerning the claim, including a representative from another state or the federal
665 government; and

666 (c) the disclosure of which would:

667 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Great
668 Salt Lake;

669 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms
670 and conditions regarding the use of water in the Great Salt Lake; or

671 (iii) give an advantage to another person including another state or to the federal
672 government in negotiations regarding the use of water in the Great Salt Lake[~~;~~]; and

673 (88) a consumer complaint described in Section 13-2-11, unless the consumer
674 complaint is reclassified as public as described in Subsection 13-2-11(4).

675 Section 6. **Repealer.**

676 This bill repeals:

677 Section [13-15-401](#), **Consumer complaints.**

678 Section [13-26-12](#), **Consumer complaints are public.**

679 Section 7. **Effective date.**

680 This bill takes effect on May 1, 2024, with the exception of Section [13-2-1](#) (Effective

681 05/02/2024) which takes effect on May 2, 2024.